

BOARD OF PERSONNEL APPEALS
MINUTES – DECEMBER 15, 2011 MEETING

PRESENT:

Jack Holstrom, Presiding Officer
Quint Nyman, Board Member
Karla Stanton, Board Member
Jay Reardon, Board Member
Steve Johnson, Board Member

STAFF ATTENDING:

Marieke Beck, Board Attorney
Tonya McCormack
Paul Melvin

Vicki Knudsen
John Andrew
Ron Stormer

BOARD BUSINESS

APPROVAL OF MINUTES (1.29-1.01):

Presiding Officer Holstrom recused himself from participating since he was not in attendance at the November meeting. Member Reardon moved to approve the minutes November 17, 2011. Member Johnson seconded the motion. November's minutes passed 4-0.

NEXT MEETING DATE (1.02-1.27):

The next meeting is scheduled for April 19, 2012. Pending any appeals.

PUBLIC COMMENT (HOUSE BILL 94) (1.28-1.53):

No comments were made.

ATTORNEY COMMENTS – BOARD ATTORNEY MARIEKE BECK (1.54-3.33):

Rules Project: Marieke briefly discussed the Collyerization rule. It is due to move forward.

MISCELLANEOUS (3:34-4.14)

Nothing reported.

ORAL ARGUMENT – UNFAIR LABOR PRACTICE 23-2011

Montana Public Employees Association, AFSCME, MEA-MFT vs. State of Montana

Jack Holstrom was the Presiding Officer in this matter. Board Member Nyman recused himself since he represents Montana Public Employees Association and Alternate Member Jerry Rukavina also recused himself since he represents MEA-MFT. Daniel Whyte appeared before the Board to represent the Montana Legislative Services Division; Karl Englund appeared before the Board to represent the Montana Public Employees Association, AFSCME and MEA-MFT.

The matter before the Board was to determine if the Hearing Officer Terry Spear erred in his decision to issue a Summary Judgment finding that the State of Montana did not bargain in good faith. Argument was heard, questions were asked by Board Members. Member Stanton motioned to remand the case back to the hearings examiner for answering the specific question of whether the Legislature is included within the definition of employer in the collective bargaining act and come back to the Board for a decision. Board Member Johnson seconded the motion. Motion passed 4-0.
